

Ros v Allen
2015 NY Slip Op 31119(U)
July 1, 2015
Supreme Court, New York County
Docket Number: 153560/2013
Judge: James A. Debra
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SUPREME COURT OF THE STATE OF NEW YORK – NEW YORK COUNTY

PRESENT: DEBRA A. JAMES
Justice

PART 59

BERNARD ROS and 110 MADISON CATERING, INC.
d/b/a MELI MELO,

Index No.: 153560/13

Plaintiffs,

Motion Date: 04/23/15

- v -

Motion Seq. No.: 02

ROBERT ALLEN, ANDREW POMERANCE, STEPHEN
MOCK ASSOCIATES INC., and JLNY GROUP LLC
d/b/a JERSEY LINK LLC,

Motion Cal. No.: _____

Defendants.

The following papers, numbered 1 to 1 were read on this motion to consolidate.

Notice of Motion/Order to Show Cause -Affidavits -Exhibits _____
Answering Affidavits - Exhibits _____
Replying Affidavits - Exhibits _____

PAPERS NUMBERED
1

Cross-Motion: Yes No

Upon the foregoing papers,

Plaintiffs BERNARD ROS and 110 MADISON CATERING, INC. d/b/a MELI MELO moves to consolidate this action with the action Bernard Ros and 110 Madison Catering, Inc. d/b/a MELI MELO RESTAURANT v JENNY SERVICES, INC., JENNY EXHAUST SYSTEMS, INC., JENNY EXHAUST SYSTEM SERVICES INC., and LUND FIRE PRODUCTS, Sup Ct, New York County, Index No. 153980/2013 pursuant to CPLR §602 on the grounds that the cases have common questions of law and fact. Both actions arise out of the same circumstances and involve common questions of law and fact. The motion is

Check One: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

unopposed.

Accordingly, it is

ORDERED that the motion is GRANTED and the above-captioned action is consolidated in this Court with Bernard Ros and 110 Madison Catering, Inc. d/b/a MELI MELO RESTAURANT v JENNY SERVICES, INC., JENNY EXHAUST SYSTEMS, INC., JENNY EXHAUST SYSTEM SERVICES INC., and LUND FIRE PRODUCTS, Sup Ct, New York County, Index No. 153980/2013 and the consolidated action shall bear the following caption:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

BERNARD ROS and 110 MADISON CATERING,
INC. d/b/a MELI MELO,

Plaintiff,

- v -

Index No.: 153560/2013
Action #1

ROBERT ALLEN, ANDREW POMERANCE,
STEPHEN MOCK ASSOCIATES INC., and
JLNY GROUP LLC d/b/a JERSEY LINK LLC,
JENNY SERVICES, INC, JENNY EXHAUST
SYSTEMS, INC., JENNY EXHAUST SYSTEM
SERVICES INC., and LUND FIRE PRODUCTS,

Defendants.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Tower National Insurance Company As
Subrogee of 110 MADISON CATERING d/b/a
MELI-MELO RESTAURANT,

Plaintiff,

- v -

Action #2

JENNY SERVICES, INC, JENNY EXHAUST
SYSTEMS, INC., JENNY EXHAUST SYSTEM
SERVICES INC., JENNY FIRE PREVENTION
INC., LUND FIRE PRODUCTS, CO., INC.,
MARYANN DEROSE DBA JENNY EXHAUST
SYSTEMS, INC.

Defendants.

And it is further

ORDERED that the pleadings in the actions hereby
consolidated shall stand as the pleadings in the consolidated
action; and it is further

ORDERED that the plaintiffs in this action are directed to
serve a copy of this order with notice of entry on the County
Clerk (Room 141B), who shall consolidate the papers in the
actions hereby consolidated and shall mark his records to reflect
the consolidation; and it is further

ORDERED that the plaintiffs are directed to serve a copy of
this order with notice of entry upon the General Clerk's Office
(60 Centre Street, Room 148), which is hereby directed to mark

the court's records to reflect the consolidation; and it is further

ORDERED that plaintiffs' time to file a note of issue is hereby extended until March 31, 2016; and it is further

ORDERED that the parties shall appear for a status conference on July 28, 2015 in Part 59, Room 103, 71 Thomas Street at 10:00 am.

This is the decision and order of the court.

Dated: JUL 01 2015

ENTER:

Debra A. James
DEBRA JAMES J.S.C.
J.S.C.